

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE  
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,  
ON WEDNESDAY, MARCH 1, 2000.**

**Members Present:** Peter Lilienfield, Chairman  
William Hoffman  
Allen Morris, Acting Secretary  
Patrick Ntarelli

**Members Absent:** Jay Jenkins

**Also Present:** Lino J. Sciarretta, Village Counsel  
Richard Fon, Building Inspector  
Florence Costello, Planning Board Clerk  
Nicole Coddington, Environmental Conservation Board  
J&L Reporting Service for Westwood Development Associates  
Applicants and other persons mentioned in these Minutes  
Members of the Public.

**IPB Matters**

**Considered:** **94-03 -- Westwood Development Associates, Inc.**  
Broadway, Riverview Road & Mountain Road  
**98-44 -- Ciccio & Chernick**  
Riverview Road  
**00-03 -- Robert Cliviles (Amendment)**  
Legend Hollow, 18 Manor Pond Lane, Lot #52  
**00-04 -- David Zwiebel**  
23 Matthiessen Park  
**00-09 -- Noel & Catherine Woods**  
49B Osceola Avenue

The Chairman called the meeting to order at 8:00 p.m.

**Administrative:**

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

**IPB Matter #98-44:**

**Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.**

Norman Sheer, Esq., appeared for the Applicant. This matter was continued from previous meetings and relates to a proposed subdivision of property located on the paper extension of Riverview Road. The Chairman read aloud a letter from Kevin Plunkett, Village Counsel, dated March 1, 2000 addressing Mr. Sheer's request for an opinion regarding demapping a portion of Riverview Road to prevent a through road for vehicular traffic from Broadway to Peter Bont Road. It is Counsel's opinion that a paper street can be demapped, pursuant to proper procedures, provided that each contiguous landowner is not denied access to its property. Mr. Mastromonaco's memo dated February 16, 2000 noted that the preliminary plans are acceptable in regards to engineering issues as these meet current standards for private road design.

Mr. Sheer requested a public hearing be set for the April 5 Planning Board meeting. Applicant proposes using a septic system rather than a hook-up (sewer). There was considerable discussion on the driveway/street issues and an eventual hook-up to the sewer being proposed in the Westwood application, Mr. Sheer indicated that he would have additional discussions with Mr. Pateman of Westwood with regard to such a hook-up. The Chairman agreed to write a letter to the Board of Trustees recommending de-mapping the paper street. A public hearing was set for the April 5 meeting for Preliminary Subdivision and Limited Site Plan approval.

**IPB Matter #00-09:**

**Application of Noel & Catherine Woods for Site Development Plan Approval for property at 49B Osceola Avenue.**

Andrew J. Wynnyk, Architect, appeared for the Applicant. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. The proposed design calls for the alteration and addition to the existing single story residence, and the construction of a detached garage. Drawings submitted were: topographic survey of property dated January 3, 1995 by Roland K. Link, L.S., and plans entitled Residence, Osceola Avenue, (no date) by Andrew Wynnyk, Architect.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and a Type II Action for SEQRA purposes. There were no comments from the public. Mr. Mastromonaco's memo dated March 1, 2000 concerning drainage was addressed. Additional drainage and erosion control concerns are to be addressed directly by the Building Inspector working in conjunction

with Mr. Mastromonaco's office, including the provision of a hay bale barrier. Setbacks were found to comply with zoning regulations based upon the Building Inspector's interpretation of which yard constituted the front yard.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

**IPB Matter #00-03:**

**Application of Robert Clivilles for Amended Site Development Plan Approval for property at 18 Manor Pond Lane, Lot #52, Legend Hollow.**

Craig Studer appeared for the Applicant. This is a continuation of the January-February meetings intended to restore a neighbor's property. "Plan SK 1,2,3", the current proposal, requires the additional relocation of three Norway Spruce trees to an agreed upon location on Mr. Seminatore's property. A letter is to be provided by Mr. Seminatore to the Village at the Board's April meeting indicating his acceptance of the plan and permission for work to be undertaken on his property, in keeping with the terms of the resolution adopted by the Board. The application was held over to the April meeting.

**IPB Matter #00-04:**

**Application of David Zwiebel for Site Development Plan Approval for property at 23 Matthiessen Park.**

Earl E. Ferguson, Architect, appeared for the Applicant. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed development is for the removal of an existing 2,774 sq. ft. raised ranch

single family house and one 200 sq. ft. garden storage shed totaling 2,974 sq. ft. of coverage on the lot, and the construction of a new two and one-half (2 1/2) story single family residence of 5,680 sq. ft., with attached garage and a cellar space under approximately 50% of the floor area. The proposed new structure will represent an increase of 23,252 cu. ft. of space and an increase of 2,259 sq. ft. of footprint coverage more than the existing structures on the lot.

The Chairman read aloud letters from Gotham Design, dated February 12, 2000, Brian Goodman, Historic Site Manager, Old Croton Aqueduct State Historic Park, dated March 1, 2000, and noted Ralph Mastromonaco's memo dated February 2, 2000 stating applicant has satisfied comments of his January 5 memo. Considerable discussion followed among the Applicant, the Board, and the Hornick's (the adjoining neighbors to the north) and their advisors with regard to the siting of the improvements. The Board conducted a site walk on Saturday, February 16th to fully understand the application and the neighbors' concerns. Discussions focused on visibility, landscaping, drainage and alternative siting. The applicant agreed to maintain the water line that crosses the property and serves the Hornick's residence, and to repair it if it were damaged during construction. Additional landscaping was to be added along the property line near the garage to help screen the new building and headlights. Also considered was the possibility of having the driveway run along the southern property line adjoining the school. The applicant indicated that they were against such a configuration, and indicated that it would not work due to the differences in yard requirements (the yard next to the school being a side yard, versus the yard adjoining the Hornick's property being a rear yard). This would require the placement of the house closer to the street, which in turn would further increase the slopes in the front yard or require significant retaining walls. The Board indicated that it preferred the proposed grading to the retaining walls, but did not want to further increase the magnitude of the slope.

The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA. After discussion the Board took the following action. It approved plans entitled: Zwiebel Residence, 23 Matthiessen Park by Earl Everett Ferguson (cover sheet) dated January 24, 2000 (15 sheets) including Topographical Map by Roland K. Link, Site Plans by IQ Landscape Architects and Details by Keane Coppelman Engineers.

**IPB Matter #94-03:**

**Application of Westwood Development  
Associates, Inc., for Limited Site Development  
Plan Approval for property at Broadway,  
Riverview Road and Mountain Road.**

Padraic Steinschneider and Charles Pateman appeared for the Applicant. Discussion of cluster housing law, which the Applicant recommended to be approved by the Planning Board, was discussed. The Applicant and the Board discussed the application of Section 7-738 of the Village Law to the present Application in addition to the Village's Average Density provisions (Article XVI). The Applicant indicated that there were several instances where modification in

the standards contained in the Average Density provisions would result in improved planning design. The Board agreed that additional flexibility would be appropriate, noting that such modifications would be utilized in only limited instances. The Chairman agreed to send a letter to the Village Board of Trustees before the Planning Board's April meeting with regard to the matter. There was additional discussion of the February 27, 2000 site walk and a schematic plan showing revisions to Tract A. At the request of the Applicant, the Public Hearing was carried over to the April and May meetings.

A complete stenographic transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on January 12, 2000 and February 9, 2000, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for April 5, 2000.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Allen Morris, Acting Secretary